

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

DAVID W. FRANCIS,

Plaintiff,

v.

Civil Action No. 2:19-cv-00837

LOWE'S HOME CENTERS, LLC,

Defendant.

ORDER

Pending is the joint motion for leave to file First Amended Complaint, filed July 17, 2020.

The plaintiff moves for leave to file his First Amended Complaint. The defendant does not oppose the filing of the First Amended Complaint and jointly moves for the plaintiff's leave to file. The plaintiff attached the Proposed First Amended Complaint to the motion, which appears to add a claim for workers' compensation discrimination.


Federal Rule of Civil Procedure 15(a)(2), invoked by plaintiff, provides that a party who can no longer amend a pleading as of right can still amend by obtaining "the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). "The court should freely give leave when justice so requires." Id. In applying Rule 15(a), "[t]he law is well

settled that leave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would be futile." Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999) (quoting Johnson v. Oroweat Foods Co., 785 F.2d 503, 509 (4th Cir. 1986)).

In the absence of any suggestion by the defendant that the First Amended Complaint results in undue prejudice or was motivated by bad faith, it is ORDERED that the joint motion be, and it hereby is, granted. The clerk is directed to file the Proposed First Amended Complaint as the amended complaint in this case.

The clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: July 21, 2020

  
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John T. Copenhaver, Jr.  
Senior United States District Judge